

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

THURSDAY, THE 21ST JUNE 2007 / 31ST JYAISHTA 1929

WP(C).No. 18492 of 2007(B)

PETITIONER:

**M.V.GANESH, S/O.LATE M.S.VISWAMBHARAN,
METHANATH HOUSE, MARADI VILLAGE,
SOUTH MARADI P.O., MUVATTUPUZHA TALUK,
ERNAKULAM DISTRICT, PIN - 686 661.**

**BY ADV. SRI.P.N.RAVINDRAN
SMT.MEENA.A.
SRI.JAYKAR.K.S.**

RESPONDENTS:

- 1. THE STATE OF KERALA,
REPRESENTED BY THE SECRETARY TO GOVERNMENT,
REVENUE DEPARTMENT, SECRETARIAT,
THIRUVANANTHAPURAM.**
- 2. THE REVENUE DIVISIONAL OFFICER,
MUVATTUPUZHA.**
- 3. THE TAHSILDAR, MUVATTUPUZHA TALUK,
MUVATTUPUZHA P.O., ERNAKULAM DISTRICT.**

BY GOVT. PLEADER SRI. BENJAMIN PAUL

**THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD ON 21/06/2007,
THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:**

Ext.P1: True copy of the release deed dated 12-05-2000 registered as document number 2494 of 2000 of the Sub-Registrar's Office, Muvattupuzha

Ext.P2: True copy of the tax receipt dated 7-3-2007 issued to the petitioner from the Village Officer, Maradi

Ext.P3: True copy of the extract from the Thandaper account issued to the petitioner from Village Officer Maradi

Ext.P4: True copy of the possession certificate dated 5-2-2002 issued to the petitioner by the Village Officer Maradi Village

Ext.P5: True copy of the order dated 22-5-2007 issued by the Tahsildar, Muvattupuzha

Ext.P6: True copy of the plaint in O.S. No.257 of 2007 on the file of the Court of the Subordinate Judge of Muvattupuzha

Ext.P7: True copy of the appeal filed by the petitioner against Ext.P5 before the Revenue Divisional Officer, Muvattupuzha

Ext.P7(a) : True copy of the stay petition filed by the petitioner in Ext.P7 appeal filed before the Revenue Divisional Officer, Muvattupuzha

/True copy//

S.SIRI JAGAN. J.

W.P.(C) No.18492 of 2007

Dated this the 21st day of June 2007

JUDGMENT

The petitioner is challenging Ext.P5 notice by which the petitioner has been directed to vacate the properties mentioned in Ext.P5 within 24 hours. Petitioner's contention is that the same has not been proceeded by a notice or hearing and therefore the same is not violative of the principles of natural justice as well as the provisions of the Kerala Land Conservancy Act and Rules 1957. The petitioner now submits that, against Ext.P5 notice, he filed Ext.P7 appeal before the Revenue Divisional Officer Muvattupuzha and he seeks a direction to the Revenue Divisional Officer to dispose of that appeal and to stay further proceedings pursuant to Ext.P5 till the disposal of the appeal. The learned Government pleader submits that the petitioner has also moved a suit in respect of the same subject matter. However the learned counsel for the petitioner submits that, that is only for injunction and the petitioner had not challenged Ext.P5 in that suit in view of the express provisions in the Kerala Land Conservancy Act, ousting the jurisdiction of the civil courts.

2. Considering the fact and circumstances of the case I direct the 2nd respondent Revenue Divisional Officer, Muvattupuzha to pass appropriate orders on Ext.P7 as expeditiously as possible. Till orders are

passed further proceedings pursuant to Ext.P5 shall be kept in abeyance. It is made clear that the R.D.O. shall pass orders on Ext.P7 after affording an opportunity of being heard to the petitioner including an opportunity to adduce evidence, and the order shall contain reasons as to why the contentions of the petitioner cannot be accepted.

Writ petition is disposed of as above.

S.SIRI JAGAN, JUDGE

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